

February 22, 2007

Spencer, P.J. Rothschild, J. Jackson, J. (Assigned)

DIVISION ONE (Continued)

B185534 People (Not for Publication)
v.
Coleman

The findings of prior convictions under Penal Code section 667.5, subdivision(b) in Los Angeles Superior Court case Nos.TA068612 and TA055319 are affirmed, the remaining 11 findings of prior convictions are reversed, and the matter is remanded for resentencing. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B185736 People (Not for Publication)
v.
Willie

The judgment is reversed with respect to count 2 and the trial court is ordered to dismiss that count. The judgment on count 1 is reversed with directions to conduct a new hearing on defendant's motion for a new trial under Penal Code section 1181.6, exercising independent judgment in accordance with the views expressed in this opinion. If, having done so, the trial court again denies the motion, the judgment and sentence on count 1 shall be reinstated and any future appeal from the judgment shall be limited to issues arising from that ruling. The judgment on counts 3 through 6 is affirmed.

Mallano, Acting P.J.

I concur: Rothschild, J.
I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B190605 People (Not for Publication)

V.
Martinez

The judgment is modified to reflect victim restitution under Penal Code section 1202.4, subdivision(f), in the amount of \$1,200, and the trial court is directed to forward a copy of the modified abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Jackson, J. (Assigned)

B187952 People (Not for Publication)

v.
Bradley Kisu Brown

Brown's sentence on the assault is modified by reducing it to the mid-term of three years and, as modified, the judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

February 22, 2007 (Continued)

DIVISION ONE (Continued)

B190748 People (Not for Publication)

V.

Ontarious Daquan Mack

The finding that defendant suffered a prior felony conviction is reversed and the matter is remanded for further proceedings on the allegation of the prior conviction. In all other respects, the judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Jackson, J. (Assigned)

B188824 People (Not for Publication)

V.

Anthony Clyde Mayfield

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B186224 Danna Hall et al. (Not for Publication)

V.

The County of Los Angeles et al.

The judgment is affirmed. Respondent(s) to recover costs.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

February 22, 2007 (Continued)

DIVISION ONE (Continued)

B190470 People (Not for Publication)

V.

Lewis Mitchell Hall

The judgment is affirmed.

Mallano, Acting P.J.

I concur: Rothschild, J.

I concur in the judgment only: Vogel (Miriam A.), J.

B190882 People (Not for Publication)

V.

Kenneth Dewayne Jones

The judgment is affirmed.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.

Jackson, J. (Assigned)

B190902 People (Not for Publication)

V.

Furr

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.

Jackson, J. (Assigned)

February 22, 2007 (Continued)

DIVISION ONE (Continued)

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The order under review is affirmed.

Mallano, Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

B185881 People
v.
Harold M.

Filed order vacating submission order of February 20, 2007. OSC issued for writ of habeas corpus B194363 to be considered with this appeal. Oral argument calendared for March 20, 2007.

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Derrick L. Sanders, Deputy Clerk.

Each of the following:

B189060	People v. Arrington
B187777	People v. Victor D.
B187973	People v. Robles
B188622	People v. Khalid M.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B187008 Fung
 v.
 City of Los Angeles et al.,

Merits:
Argued by Aidian Butler for appellant and by Melody Bormaster
for respondents City of Los Angeles, et al.

B190215 People
 v.
 Moss

Merits:
Argued by Jonathan Milberg for appellant and by Yun Lee for respondent.
Cause submitted.

B186383 Richbell, LLC et al.,
 v.
 Executive Risk Indemity Inc.,

Merits:
Argued by Robert Clarkson for appellants and by Gilbert Jensen for
respondent. Cause submitted.

B188554 Berg
 v.
 Traylor et al.,

Merits:
Argued by Robert Pafundi for appellants and by Brad Kane for respondent.
Cause submitted.

DIVISION TWO (Continued)

B185373 AB Cellular LA, LLC et al.,
 v.
 City of Los Angeles,

Merits:

Argued by Sandra Levin for appellant and by Stuart Senator for appellants.
Cause submitted.

B187000 Washington et al.,
 v.
 Drummond et al.,

Merits:

Argued by Ronald Vera for appellants, by Barrett Green for respondent
Compton Colleges, by Roy Weatherup for respondents Williams/Tyler and
by Douglas Press for respondent Drummond. Cause submitted.

Court is in recess.

Court reconvened at 10:30 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Derrick L. Sanders,
Deputy Clerk.

Each of the following:

B191222 People v. Despain
B187942 People v. Shanklin
B191979 In re: Mya F. (DCFS v. Nikkee F.)
B193968 In re: Cassandra Q. (DCFS v. Freddy Q)
B192729 In re: Jasmine M. (DCFS v. Jan M.)
B191839 In re: Francisco A. (DCFS v. Jamshed A.)
B192119 In re: Carlos G. (DCFS v. Dulce G.)
B195673 Kenya T. v. SCLA

Argument waived, cause submitted.

DIVISION TWO (Continued)

B186613 People
 v.
 Bowden

Merits:

Argued by David Glassman, Deputy Attorney General for respondent and by Melissa Kim for appellant. Submission deferred.

B188714 Pacific Business Connections, Inc.,
 v.
 St. Paul Surplus Lines Insurance Company.

Merits:

Argument waived by appellant. Mark Peterson argued for respondent. Cause submitted.

B188516 Crusader Insurance Company,
 v.
 USF&G Insurance Company,

Merits:

Argued by David Dorenfeld for appellant and by Mark Flory for respondent. Cause submitted.

B187989 Martinez et al.,
 v.
 Crayton,

Merits:

Argued by Ronald Kaplan for appellant and by Stephen Bucklin for respondents. Cause submitted.

DIVISION TWO (Continued)

B192227 K/S Shadow Mountain Partners I et al.,
 v.
 Parsons Behle & Latimer et al.,

Merits:

Argued by Edward Wright for appellants and by John Blue for respondents.
Cause submitted.

B187388 Flippin
 v.
 Los Angeles City Board of Civil Commissioners
 Los Angeles City Department of Water and Power

Merits:

Argued by Michael Posner for appellant and by Wendy Genz, Deputy City Attorney for real party in interest. No appearance by respondent. Cause submitted.

B189581 Niaz
 v.
 Avedissian

Merits:

Argued by Martin Fox for appellant and by Niloufar Zakariaie for respondent. Cause submitted.

B190183 In re: Scott F.,
 v.
 Los Angeles County, D.C.S.
 Scott S. et al.,

Merits:

Argued by George Kelly for appellant Cynthia F., by Harold Stanley for appellant Scott S., and by Fred Klink, Deputy County Counsel for respondent. Cause submitted.

DIVISION TWO (Continued)

B189164 Pearl,
v.
Dietch,
Law Offices of Rosario Perry et al.,

Merits:

Argued by Mark Fledman for appellant and by Robert Franklin for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B191934 Marriott, (Not for Publication)
v.
DJJ Family Limited Partnership, et al.

The judgment is reversed. The case is remanded to the trial court to enter judgment for specific performance in favor of plaintiff and appellant Marriott. (See Ninety Nine Investments, Ltd., supra, 113 Cal.App.4th at p. 1136.)

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B188220 California Commerce Casino, Inc., et al.
v.
Arnold Schwarzenegger, as Governor, etc., et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE (Continued)

B186945 County of Los Angeles (Certified for Publication)
v.
Lexington National Insurance Company

The order is affirmed. Lexington is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B188853 The People
v.
Michael Torres Garcia

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FOUR

B189064 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

February 22, 2007 (Continued)

DIVISION FOUR (Continued)

B195292 Sarah C. (Not for Publication)
v.
Superior Court, Los Angeles County
(D.C.F.S. et al., r.p.i.)

The petition for writ of mandate is denied.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

B187537 People (Not for Publication)
v.
Delacruz

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FIVE

B189415 People
v.
Derrick Roalston

Filed order modifying opinion. (No change in the judgment)

DIVISION FIVE (Continued)

B189813 People
v.
Juan Pastor aka Antonio Gonzalez

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B188506 People (Not for Publication)
v.
Nagy

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

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In case number 2002029505 the judgment is modified to reduce the \$1,500 restitution fine to \$200 (§ 1202.4, subd. (b)) and to reduce the \$1,500 parole revocation fine to \$200 (§ 1202.45). The trial court is directed to issue an amended abstract of judgment reflecting the reduced fines and to forward a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgments are affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (Continued)

B186454 Stardust Mobile Estates (Certified for Publication)

v.

City of San Buenaventura et al.,

We remand this case to the trial court to conduct a hearing to allow Stardust to make a showing regarding the foundational testimony or other relevant evidence it can provide concerning its rental policy during the base year. If the court determines that Stardust can present admissible evidence concerning this issue, the court shall remand the case to the Rent Board to reconsider Stardust's application for a *Vega* adjustment in base year rents. The Rent Board shall then reconsider Stardust's application for a base year rental adjustment. In all other respects, we affirm the judgment. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION EIGHT

B188754 People (Not for Publication)

v.

Zepeda

The judgment is reversed and the matter remanded to the trial court for sentencing in accordance with the views expressed herein; in all other respects; the judgment is affirmed.

Rubin, Acting P.J.

We concur: Boland, J.
Flier, J.

DIVISION EIGHT (Continued)

B181180 Stone

v.

Center Trust Retail Properties, Inc.,

The petition for rehearing filed by Center Trust Retail Properties, Inc. is granted solely on the petition's third issue involving the jury's finding of contributory negligence and apportionment of fault. In all other respects, the petition for rehearing is denied.